


Consultation Procedure

Project Development and Environmental Analysis Branch		Approved: 7/5/11 Version: 2.0
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Purpose

The purpose of this procedure is to document the standard method of performing a consultation for environmental documentation. Environmental document means a CE – Categorical Exclusion; FONSI – Finding of No Significant Impact; ROD – Record of Decision, or Supplemental ROD.

Background

NCDOT is required to consult with FHWA at appropriate stages in the project development process. This process is referred to as “Consultation”. Consultations must comply with [23 CFR 771.129\(c\)](#)

Based on “The Consultation Process for Categorical Exclusions,” distributed in December 1995, a consultation is required if the time of the approved action (e.g., right-of-way authorization or construction authorization) is more than one year after the final environmental document approval date (CE, FONSI, or ROD). In the case of an EIS, if more than 3 years have passed since the approval of the last DEIS or FEIS, a reevaluation, as opposed to a consultation, is required (see Reevaluation Procedure).

Consultations may also be required if the time since the approval action is less than one year but substantial changes to the proposed design, evaluation impacts, or environmental commitments have occurred prior to right-of-way acquisition or construction. If substantial changes have occurred, the consultation should be reviewed and signed by FHWA.

Actions not requiring consultations:

- ✚ Projects for which the environmental documentation has been completed within less than one year of the request for authorization, and for which no substantial changes have occurred within that timeframe.
- ✚ Projects which qualify as Programmatic Categorical Exclusion (PCE) and have no 4(f) involvement. (Refer to Section 4(f) procedure).
- ✚ 100% state funded projects, unless a “memo to file” is required. Decisions to produce file memo is at the discretion of the responsible Regional Unit Head in PDEA.

Actions requiring consultations but not requiring FHWA signature:

- ✚ CE's with no 4(f) involvement.

Responsibility

The following people are typically involved in the Consultation process:

- ✚ Project Planning Engineer – takes the lead and initiates process.
- ✚ Roadway Design Project Design Engineer
- ✚ Permits Specialist(s) from the Natural Environment Unit (NEU)
- ✚ Human Environment Unit (HEU)
- ✚ FHWA representative(s)

Procedures

The PDEA Project Planning Engineer will follow the steps below:

1. Check the 6-month right-of-way list and/or the 13-month Let list provided by the PDEA Group Leader for any projects scheduled for ROW acquisition or construction let. The Project Planning Engineer then determines whether the projects listed require consultation. Refer to the [Background](#) section. Use the following to schedule to complete the consultations in a timely manner:
 - Right of way consultations (bridge & highway) should be completed within a minimum of 3 months prior to the right of way acquisition date.
 - Construction consultations (bridge & highway) should be completed within a minimum of 3 months prior to project letting date.
2. Contact the appropriate Roadway Design Project Engineer to request the project design plans. If applicable also contact the appropriate Structure Design Project Engineer to request an update on bridge plans and constructability issues.
3. Review the environmental documents, including any previous consultations, and the roadway design plans and structure design plans (where applicable) for discrepancies and substantial changes from the document. Coordinate with other NCDOT staff as needed (e.g. Division Const. Eng., Hydraulic Design Project Engineer, Human Environment Group, Natural Environment Group, etc.) and document any necessary changes to the design plans or document.
4. Request the environmental update from the Natural Environment Unit (NEU) using the NEU Data Warehouse. Reference the Environmental Input Request for additional guidance. If Section 7 was not finalized before the document was signed (CE's and PCE's only), then update the status or the final conclusions in the consultation.

Note: Additional time must be allowed if existing surveys for Threatened and Endangered Species must be updated.
5. Note any changes from Step 3 for NEU use in producing the update on Water Resources and Threatened and Endangered (T&E) Species for the consultation.
6. Obtain the most current list of Project Commitments. The sources to use are:
 - The approved final environmental document(s) (located in the Project Development Library)
 - Project commitments generated by the permit application process from the permit specialist in NEU
 - Previous consultations in the project files

7. Reference the [List of Items To Be Included in Consultations](#) for information on reviewing and reporting on updates to the environmental commitments. Also, refer to the Green Sheet Guidance procedure, which has examples of Green Sheets for consultations.
Note: The NEU-Project Manager should let the PPE know if there have been no additions to the project commitments. This may be the case especially for the ROW Consultation.
8. Obtain the [Project Environmental Consultation Form](#) and begin to fill-out project specific information.
Note: Reviewing completed consultations from other projects may be helpful as examples.
9. Draft the consultation and ensure that all required information is included. ([List of Items To Be Included in Consultations](#))
10. Contact the permits specialist in NEU for status of required permits. (This is required for construction consultations only.)
11. Coordinate, when needed, with other appropriate agencies (e.g., U.S. Fish and Wildlife Service, NC Division of Water Quality, SHPO, etc.) when:
 - New species have been added to the T&E list
 - Project commitments require updates
 - Changes cause additional project impactsFHWA prefers written documentation of this coordination.
12. Contact the appropriate FHWA engineer(s) to alert them of the consultation and any changes to the project document or design. This initial contact is not required for Bridge Replacement Projects.
NOTE: Coordination dates with FHWA engineer, the Design Project Engineer and the Permit Specialists should be noted and included in the consultation as proof of coordination. Add the name and date of additional units or divisions you coordinated with, such as Structure Design, under Section V. Coordination, where applicable.
13. Submit a draft consultation to the PDEA Group Leader for review.
14. After review of the draft consultation by the PDEA Group Leader, the Project Planning Engineer finalizes the consultation to include any necessary changes, then obtains the required signatures (from PDEA Project Planning Engineer, PDEA Group Leader (or Manager), and FHWA if required. See [Background](#) for additional information on FHWA involvement.
15. After the required signatures have been obtained, the Project Planning Engineer distributes the consultation using the Consultation Distribution procedure.
16. Confirm that the consultation is complete in STARS.

Contacts

- For suggestions to change this procedure contact: Karen Capps, kbcapps@ncdot.gov
- For questions about performing this procedure contact: Beverly Robinson, brobinson@ncdot.gov

Record of Revision

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